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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 | UNITED STATES OF AMERICA No. CR 12-00119 SI

9 Plaintiff,

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11 | RAYMOND HEMBRY,

12 Defendant.

**ORDER DENYING DEFENDANT'S
MOTION TO REVOKE DETENTION
ORDER**

14 On January 17, 2013, the Court heard argument on defendant Raymond Hembry's motion to
15 revoke Magistrate Judge Beeler's detention order, and release him on a bond. After considering the
16 papers, Pretrial Service's supplemental pre-bail report and the arguments of counsel, the Court DENIES
17 defendant's motion to revoke the detention order.

18 The Bail Reform Act of 1984 establishes a rebuttal presumption in cases like this that the
19 defendant is both a flight risk and a danger to the community. 18 U.S.C. § 3142(e). It permits the
20 pretrial detention of a defendant where “no combination of conditions will reasonably assure the
21 appearance of the person as required and the safety of any other person and the community.” *Id.*

22 The supplemental pre-bail report recommends continued detention. That report makes it clear
23 that defendant committed multiple crimes while on state parole and continued to have at least some
24 contact with gang members, including prison gang members and including mail contact. Under these
25 circumstances, the Court finds that defendant has not met his burden to rebut the presumption that he
26 will present a risk of flight and a danger to the community if the detention order is revoked, or that any
27 combination of conditions placed on his release or placement at a halfway house could reasonably

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1 assure the safety of the community or his appearance in court. Therefore, the motion is DENIED.
2 (Docket No. 440).

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4 **IT IS SO ORDERED.**

5 Dated: January 17, 2013

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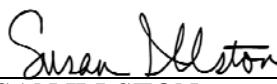
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SUSAN ILLSTON
United States District Judge